

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARVELOUS A:X (GREENE),

Plaintiff, No. CIV S-05-0330 GEB JFM P

vs.

C.D.C., et al.,

Defendants. ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with an action filed pursuant to 42 U.S.C. § 1983. By order filed May 31, 2005, plaintiff's complaint was dismissed with leave to file an amended complaint. Plaintiff has now filed an amended complaint.

The amended complaint states a cognizable claim for relief pursuant to 42 U.S.C. § 1983 and 28 U.S.C. § 1915A(b) against D. Jackson, H. Wagner, and D.L. Runnels.¹ If the allegations of the amended complaint are proven, plaintiff has a reasonable opportunity to prevail on the merits of this action.

¹ Plaintiff has also named a female identified only as Coach _____ as a defendant in this action. The court is unable to order service of process on unidentified individuals. Plaintiff may, as appropriate, move to amend his complaint to add the name of this defendant.

1 In accordance with the above, IT IS HEREBY ORDERED that:

2 1. Service is appropriate for the following defendants: D. Jackson; H. Wagner;
3 and D.L. Runnels.

4 2. The Clerk of the Court shall send plaintiff three USM-285 forms, one
5 summons, an instruction sheet and a copy of the amended complaint filed June 15, 2005.

6 3. Within thirty days from the date of this order, plaintiff shall complete the
7 attached Notice of Submission of Documents and submit the following documents to the court:

- 8 a. The completed Notice of Submission of Documents;
9 b. One completed summons;
10 c. One completed USM-285 form for each defendant listed in number 1
11 above; and
12 d. Four copies of the endorsed amended complaint filed June 15, 2005.

13 4. Plaintiff need not attempt service on defendants and need not request waiver of
14 service. Upon receipt of the above-described documents, the court will direct the United States
15 Marshal to serve the above-named defendants pursuant to Federal Rule of Civil Procedure 4
16 without payment of costs.

17 DATED: August 5, 2005.

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20 _____
21 UNITED STATES MAGISTRATE JUDGE
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NOTICE OF SUBMISSION

Defendants. OF DOCUMENTS

/

Plaintiff hereby submits the following documents in compliance with the court's
order filed _____:

_____ completed summons form

_____ completed USM-285 forms

_____ copies of the _____
Amended Complaint

DATED:

Plaintiff